

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 98-cr-40043-JPG
	)	
JASON SPICER,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendant Jason Spicer's *pro se* Motion to Appoint Counsel (Doc. 307). Spicer seeks appointment of counsel to assist in his potential eligibility under the amended crack cocaine sentencing guidelines. However, the Court appointed Federal Public Defender Judith Kuenneke as counsel for Spicer on January 22, 2008, and Kuenneke remains Spicer's attorney of record.

"The right to representation by counsel and self-representation are mutually exclusive." *Cain v. Peters*, 972 F.2d 748, 750 (7th Cir.1992). So-called "hybrid representation" confuses and extends matters at trial and in other proceedings and, therefore, is forbidden. *See United States v. Oreye*, 263 F.3d 669, 672-73 (7th Cir.2001).

In this case, Spicer has been granted representation by the Federal Public Defender. He is free to consult with his attorney in order to ensure that the Court is fully informed as to the specifics of his case and in order to ensure that the appropriate motions are filed. However, the Court will strike *pro se* motions by Spicer so long as he is represented by counsel.

Therefore, the Court **STRIKES** the instant motion (Doc. 307) from the record.

**IT IS SO ORDERED.**

**Dated: December 9, 2009**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**U.S. District Judge**